

**SUPREME COURT MINUTES
THURSDAY, MARCH 3, 2005
SAN FRANCISCO, CALIFORNIA**

S035367

PEOPLE v. HARRISON (CEDRIC)

Opinion filed: Judgment affirmed in full

Opinion by Kennard, J.

--- joined by George, C.J., Baxter, Chin, & Brown, JJ.

Concurring Opinion by Moreno, J.

--- joined by Werdegarr, J.

S082299

S102401

SAKARIAS (PETER) ON HABEAS CORPUS

IN RE TAUNO WAIDLA ON HABEAS CORPUS

Opinion filed

OSC as to Waidla's petition is discharged.

Sakarias's petition for writ of habeas corpus is granted insofar as it claims prosecutorial inconsistency material to the penalty verdict, and the judgment of the Los Angeles County Superior Court in *People v. Peter Sakarias*, No. A711340, therefore is vacated insofar as it imposes a sentence of death. Upon finality of our opinion, the Clerk of the Supreme Court shall remit a certified copy of the opinion and order to the Los Angeles County Superior Court for filing, and respondent Attorney General shall serve another copy thereof on the prosecuting attorney in conformity with Penal Code section 1382, subdivision (a)(2). (See *In re Jones* (1996) 13 Cal.4th 552, 588.)

Opinion by Werdegarr, J.

--- joined by George, C.J., Kennard, Chin, Brown and Moreno, J.J.

Concurring and Dissenting Opinion by Baxter, J.

S121400

H024214 Sixth Appellate District

VARIAN MEDICAL SYSTEMS v. DELFINO

Opinion filed: Judgment reversed and remanded.

Opinion by Brown, J.

---joined by Kennard, Baxter, Werdegarr, Chin, Moreno, JJ.

Concurring and Dissenting Opinion by George, C.J.

S131329

A105592 First Appellate District,
Division Four

SALMON PROTECTION & WATERSHED
NETWORK v. COUNTY OF MARIN
Petition for review ordered withdrawn

pursuant to written request of petitioner.

S120332

B167458 Second Appellate District,
Division Five

HLC PROPERTIES v. S.C. (MCA RECORDS)
Time extended to consider modification or rehearing

to May 13, 2005

S012279

PEOPLE v. LUCAS (DAVID A.)
Extension of time granted

to May 10, 2005 to file respondent's brief. After that date, only four further extensions totaling about 245 additional days will be granted. Extension is granted based upon Supervising Deputy Attorney General William M. Wood's representation that he anticipates filing that brief by 1/16/2006.

S023421

PEOPLE v. BUNYARD (JERRY T.)
Extension of time granted

to April 29, 2005 to file respondent's brief. After that date, only two further extensions totaling about 120 additional days will be granted. Extension is granted based upon Deputy Attorney General Jane N. Kirkland's representation that she anticipates filing that brief by 8/2005.

S049973

PEOPLE v. KELLY (DOUGLAS OLIVER)
Extension of time granted

to May 9, 2005 to file respondent's brief. After that date, only one further extension totaling about ten additional days will be granted. Extension is granted based upon Deputy Attorney General Stephanie C. Brennan's representation that she anticipates filing that brief by 5/16/2005.

S054489PEOPLE v. DOOLIN (KEITH Z.)
Extension of time granted

to April 11, 2005 to file appellant's reply brief. After that date, no further extension will be granted. Extension is granted based upon counsel Robert Derham's representation that he anticipates filing that brief by 4/10/2005.

S056425PEOPLE v. DAVIS (RICHARD ALLEN)
Extension of time granted

to May 9, 2005 to file appellant's opening brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon counsel Phillip H. Cherney's representation that he anticipates filing that brief by the end of 5/2005.

S056842PEOPLE v. RICCARDI (JOHN A.)
Extension of time granted

to April 29, 2005 to file appellant's reply brief. After that date, only one further extension totaling about 60 additional days will be granted. Extension is granted based upon counsel Carla J. Johnson's representation that she anticipates filing that brief by 6/29/2005.

S057242PEOPLE v. SPENCER (CHRISTOPHER A.)
Extension of time granted

to May 6, 2005 to file appellant's opening brief.

S065573PEOPLE v. BECERRA (FRANK K)
Extension of time granted

to May 3, 2005 to file appellant's opening brief. The court anticipates that after that date, only three further extensions totaling about 180 additional days will be granted. Counsel is

ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

S070250

PEOPLE v. JOHNSON (MICHAEL)
Extension of time granted

to April 26, 2005 to file appellant's opening brief. After that date, only three further extensions totaling about 180 additional days will be granted. Extension is granted based upon counsel Anthony J. Dain's representation that he anticipates filing that brief by 10/27/2005.

S124851

TURNER (RICHARD DEAN) ON H.C.
Extension of time granted

to April 4, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 60 additional days will be granted. Extension is granted based upon counsel Robert M. Sanger's representation that he anticipates filing that brief by 6/1/2005.

S128031

KOONTZ (HERBERT H.) ON H.C.
Extension of time granted

to April 4, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 60 additional days will be granted. Extension is granted based upon Deputy Attorney General Harry Joseph Colombo's representation that he anticipates filing that document by 5/31/2005.

S128474

CUDJO (ARMENIA LEVI) ON H.C.
Extension of time granted

to March 30, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling

about 30 additional days will be granted.
Extension is granted based upon Deputy
Attorney General Beverly K. Falk's
representation that she anticipates filing that
document by 4/25/2005.

S128640

F043125 Fifth Appellate District

PEOPLE v. WELLS

Extension of time granted

appellant's time to serve and file the opening
brief is extended to and including March 25,
2005.

S129338E034306 Fourth Appellate District,
Division Two

PEOPLE v. FERNANDEZ et al.

Counsel appointment orders filed (7)

- (1) Dacia Burz to represent appellant Rigoberto Fernandez
- (2) Ava Stralla to represent appellant Armando Fernandez.
- (3) Douglas Benedon to represent appellant Michael Fajuardo.
- (4) Daniel H. Clifford to represent appellant Geovanni Gonzalez.
- (5) Richard P. Siref to represent appellant Raul Alain Santos Gonzales.
- (6) Donal M. Hill to represent appellant Oscar Perez.
- (7) Laura G. Schaefer to represent appellant Ismely Suarez.

S130201A105756 First Appellate District,
Division One

PEOPLE v. HUGHES

Counsel appointment order filed

the First District Appellant Project appointed to
represent appellant Hughes.

S121532B167044 Second Appellate District,
Division Seven

JEVNE v. S.C. (JB OXFORD HOLDINGS)

Request for judicial notice denied

The request of interveners the National Association of Securities Dealers, Inc., and the New York Stock Exchange, for judicial notice, filed in this court on February 18, 2005, is granted in part. The court takes judicial notice of: (1) the order of the United State Court of Appeals for the Ninth Circuit in *Credit Suisse First Boston Corporation v. Grunwald* (No. 03-15695) dated September 7, 2004, directing the parties and amici curiae in that matter to file supplemental briefs; (2) the supplemental brief submitted in response to that order by the Securities and Exchange Commission, and (3) the order extending time for the filing of that supplemental brief. In all other respects, the request is denied.

George, C.J., and Baxter, J., were recused and did not participate.

S121532B167044 Second Appellate District,
Division Seven

JEVNE v. S.C. (JB OXFORD HOLDINGS)

Order filed

The order filed February 25, 2005, is hereby amended to read in its entirety:

“The request of real party in interest to allocate to intervenor NASD Dispute Resolution, Inc., 20 minutes of real party in interest 30-minute allotted time for oral argument is granted.”

S131863

JACKSON v. S.C. (PEOPLE)

Transferred to CA 2

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition shall be denied.

